

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 4177 of 2005

Between:

R. Vidyasagar Rao, S/o Late Satyanarayana,
R/o 3-6-656, Street No.9, Himayatnagar, Hyderabad.

..... PETITIONER

AND

1 The District Collector, Revenue Department,

Hyderabad District, Hyderabad.

2 Special Deputy Collector, Land Acquisition,

Municipal Corporation of Hyderabad,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order declaring the action of the Respondent No.1 proposing to acquire 85.55 Sq. Yards from the Petitioner vide Memo No. D3/5310/2004 dated 27-1-2005 Draft declaration issued under section 6 of the Land Acquisition Act and Draft Notification U/s 4 (1) of L.A. Act published in District Gazette No. 28 dt. 6-8-2004 as arbitrary, illegal and discriminative and against to the principles of natural justice and consequently declare that the said notifications are null and void and pass such other order or orders as this Hon'ble Court may deems fit in the circumstances of the case and in the interest of justice.

Counsel for the Petitioner: SMT.V.DYUMANI

Counsel for the Respondent Nos.1 and 2: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following:

ORDER:

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This writ petition is filed questioning the initiation of the Land Acquisition proceedings, proposing to acquire 10 feet site of the petitioner situated on the east of the street No.9 leading from Himayat Nagar, required for the purpose of road widening, on the ground that the land acquisition proceedings were initiated at the instance of the politicians and if the land acquisition proceedings are allowed, it will cause irreparable loss and injury to the petitioner.

After receiving notice, the respondents filed counter affidavit denying the averments made by the petitioner against the Government. It is stated that the Municipal Corporation of Hyderabad has taken up road widening process at street No.9 leading from Himayathnagar to Ashokanagar from existing width to 50' wide as per the approved RDP. It is further stated that it is very important road, connecting Himayathnagar on one end and the road to RTC cross road at the other end. Therefore it is in the larger interest of the Public, the Municipal Corporation of Hyderabad has taken up road widening process upto 50', and accordingly Draft Notification under Section 4(1) of Land Acquisition Act was published in Gazette No.28, dated 06.08.2004 and in two daily newspapers on 11.08.2004, informing the public about the need of land for acquisition and calling for objections. Accordingly the petitioner and others filed their objections and objections were examined and discarded vide proceedings No.A/627/2004, dated 27.12.2004, and thereafter declaration was published in Gazette No.4, dated 31.01.2005 and notices under Sections 9(1), 9(3) and 10 of Land Acquisition Act have been issued calling for claims of interest from the interested parties and directing them to participate in the enquiry, said to be held on 16.03.2005. Therefore, the petitioner cannot question the Land Acquisition proceedings.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Land Acquisition.

It is submitted by the learned counsel for the petitioner that when the petitioner participated in the award enquiry proceedings held on 16.03.2005, he came to know that the Government, Municipal Administration and Urban Development Department issued orders to the Commissioner, M.C.H in their Memo No.18220/M1/2004-2 MA, dated 12.01.2005, to the effect that the said road widening be restricted to 40 feet by taking 5 feet on either sides equally with splay of 5 feet at the corners and not cutting side roads. Therefore, the actions of the respondents in acquiring an extent of 10 feet to be restricted.

In view of the Memo No.18220/M1/2004-2 MA, dated 12.01.2005, I deem it appropriate to give a direction to the respondents to follow the guidelines of the said memo in acquiring the proposed property of the petitioner and in passing of award, if the award proceedings dated 16.03.2005 were not concluded.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 13.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The District Collector,
Revenue Department,
Hyderabad District, Hyderabad

2. The Special Deputy Collector,
Land Acquisition,
Municipal Corporation of Hyderabad,
Hyderabad

3. Two CCs to the Government Pleader
for Land Acquisition, High Court Buildings,
Hyderabad (OUT)

4. Two CD copies

*Form-NIC-OGS/WP{**AVLR**}*